

USDA Foreign Agricultural Service

GAIN Report

Global Agricultural Information Network

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Malaysia

Food and Agricultural Import Regulations and Standards - Narrative

FAIRS Country Report

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Report Highlights:

U.S. exporters seeking additional information about Malaysia's agriculture and food import regulations and standards should contact the FAS office in Kuala Lumpur. Contact details are provided at the end of this report.

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Section I. Food Laws:

Malaysia's Food Act 1983 and the Food Regulations of 1985 govern food safety and quality control, including food standards, food hygiene, food import and export, food advertisement and accreditation of laboratories. The Food Safety and Quality Division (FSQD) of the Ministry of Health (MOH) is charged with implementing and enforcing the law. FSQD implements an active food safety program, which includes routine compliance, sampling, food premises inspection, food import control activity and licensing of specified food substances required under Food Act 1983 and its Food Regulation 1985. It also monitors for specific food contaminants and additives. The FSQD also implements food handlers training programs, approves food labels, advises industry and consumers, and provides Health Certificates, HACCP certification, and Free Sale Certificates.

Specific compositional and labeling requirements were developed for particular food products. The use of health claims on labels is very restrictive. The content requirements are not restrictive for U.S. products, but receiving approval for new food additives, especially those not currently recognized by Codex Alimentarius can be onerous. Since more than half of the Malaysian population is Muslim, labeling requirements for products containing pork and alcohol are very strict. Attention should be given to adhering to Malaysian labeling requirements to avoid any problems at the port of entry or on the retail level. **Regarding biotech labeling, enforcement of new biotech labeling requirements, originally scheduled to begin July 2012, has been delayed indefinitely. The National Biosafety Board has approved six events for food, feed, and processing, with several still undergoing reviews. Nonetheless, the local food processing sector is quite concerned about the slow pace of approvals. No genetically engineered crops are yet approved for planting.**

The Ministry of Agriculture's Food and Agriculture Marketing Authority 3P (grading packaging and labeling) regulations for agricultural produce were fully enforced on October 1, 2011. Certain information is required in Bahasa Malaysia (the local Malay language). Stickers (or any suitable method of labeling on each carton) are allowed but must be applied before entering Malaysia. Label size has to be at least 7cm-11cm with 12 point lettering. However, U.S. exporters are allowed to use the U.S. Global Trade Identification Number (G10) label size or equivalent (4 inch x 3 inch or 10cm x 8cm). Example of a label in native Bahasa Malaysia (<http://www.fama.gov.my/web/guest/593>):

- Nama pengimport: Name of the Importer/Agent/Distributor
- Alamat: Address of the Importer
- Nama Pengeksport: Name of the Exporter
- Alamat: Address of the Exporter
- Nama biasa: Common name (Anggur for table grapes)
- Gred Standard: Standard grade (U.S. Extra Fancy*)
- Saiz: Size
- Negara asal: Country of Origin (Amerika Syarikat or USA)
- Berat: Weight of the produce

* U.S. Government or U.S. industry grading standards are acceptable and need not be translated to Bahasa Malaysia

On December 14, 2011, Malaysia notified WTO regarding a regulation related to halal certification and labeling. For all imported food intended to be consumed by Muslim, the act requires that these products to be certified halal by one of the Islamic centers in the U.S.

(<http://www.halal.gov.my/v3/index.php/ms/senarai-badan-islam-yang-diiktiraf>) approved by the Malaysian Islamic authority (JAKIM). The order for imported products will come into effect on January 1, 2013.

Extracts from the Food Regulations 1985 pertaining to labeling requirements, etc., are cited below.

Section II. Labeling Requirements:

A. General Requirements

Language to be used

Where the food is produced, prepared or packaged in Malaysia, the language to be used is Bahasa Malaysia and in the case of imported food, the language may be in Bahasa Malaysia or English, and in either case may include translation thereof in any other language.

Particulars in labeling

1. The appropriate designation of the food or a description of the food containing the common name of its principle ingredients. "Appropriate designation" means a name or description, being a specific, not generic name or description, which shall indicate to the prospective purchaser the true nature of the food to which it is applied. The lettering on the label shall be so prominent in height, visual emphasis, and position to be conspicuous by comparison with any other matter appearing on the label.
2. In the case of mixed or blended food, words which indicate that the contents are mixed or blended, as the case may be, and such word shall be conjoined with the appropriate designation of the food, in the following form: "mixed" (here insert the appropriate designation of the food); or "blended" (here insert the appropriate designation of the food), provided that the word "mixed" or "blended" shall not be conjoined with the appropriate designation of any mixed or blended food which does not comply with the standard prescribed by these Regulations.
3. Where food contains beef or pork, or its derivatives, or lard, a statement as to the presence in that food of such beef or pork, or its derivatives, or lard, in the form "CONTAINS (state whether beef or pork, or its derivatives, or lard, as the case may be)" or in any other words to this effect.
4. A statement as to the presence of alcohol, in capital bold faced lettering of a non serif character not smaller than 6 point, in the form "CONTAINS ALCOHOL" or in any other words to this effect. This statement shall appear immediately below the appropriate designation of the food.
5. Where the food consists of two or more ingredients, other than water, food additives and nutrient supplement, the appropriate designation of each of those ingredients in descending order of proportion by weight and (if required) a declaration of the proportion of such ingredient.
- 5a. where the food contains an ingredient known to cause hypersensitivity, a statement indicating that the food may cause hypersensitivity.

6. Where the food contains edible fat or edible oil or both, a statement as to the presence in that food of such edible fat or edible oil or both, together with the common name of the animal or vegetable, as the case may be, from which such fat or oil is derived

7. Where the food contains food additive, a statement as to the presence in the food of such food additive, in the form "contains permitted (state type of the relevant food additive)" provided that in the case of coloring substance or flavoring substance it shall be sufficient to state the common name or the appropriate designation of that food additive in place of the chemical name.

8. A statement of the minimum net weight or volume or the number of the content of the package; in the case of food packed in liquid, a statement of the minimum drained weight of the food.

9. In the case of imported food, the name and business address of manufacturer or packer or the owner of the rights of manufacture, or the agent of any of them, and the name and business address of the importer in Malaysia and the name of the country of the origin of the food. Please note that for the above purpose, a telegraphic or code address or an address at a Post Office, or the name of the company or the trade name of the manufacturer, packer, importer or seller appearing on any disc or cap or other device for sealing any package of is not sufficient.

The requirements in paragraph 3, 4, shall appear immediately below the appropriate designation of the food, may be written in no smaller than 4 point lettering.

10. For the purpose of paragraphs 5, 7, where the ingredients of the food, or the food additives added to such food, are derived from animal, the common name of such animal shall also be stated on the label of that food:

Provided that it shall not be necessary to indicate the name of the animal from which the ingredient or food additive is derived if it can be inferred from the appropriate designation of such ingredient or food additive.

10a. For the purpose of subregulation (10), the origin of food and food ingredients obtained through modern biotechnology shall be stated as follows:

“gene derived from (common name of such animal);

11. For the purpose of paragraph 9—

(a) a telegraphic or code address or an address at a Post Office; or

(b) the name of the company or the trade name of the manufacturer, packer, importer or seller appearing on any disc or cap or other device used for sealing any package of food,

shall not be sufficient.

12. For the purpose of paragraph (5a), the specific food or ingredients known to cause hypersensitivity are as follows:

- a) cereal containing gluten including wheat, rye, barley and oat;
- b) nut and nut product including peanut and soybean;
- c) fish and fish products;
- d) milk and milk product (including lactose); and
- e) egg and egg product.

Form and manner of labeling

1. The particulars required above shall appear conspicuously and prominently in the label.
2. All particulars to appear on a label shall be written in no smaller than 10 point lettering and with equal prominence with any other matter appearing on or attached to the package.
3. Every label shall be legible and durably marked either on the material of the package or on material firmly or permanently attached to the package.
4. A label may be firmly placed inside a package if the package is made of :
 - a) A clear transparent material
 - b) The food contained in the package is not ready for direct consumption or in the case of food ready for consumption, is completely enclosed in its natural shell or pod or interior wrapper such that it has no direct contact or is not likely to come into contact with the label
 - c). No label shall appear on the extra wrapper of any food
5. Except for intentionally accepted unit symbols of weights and measures, the lettering of every word or statement required to appear on labels shall be all capital letters or all lower case letters; or lower case letters with an initial capital letter.
6. Where the package to be labeled is so small as to prevent the use of letters of the required size, letters of smaller size may be used if they are of the largest size practicable in the circumstances and are in any event no smaller than two points.
7. All lettering shall appear in a color that contrasts strongly with its background.

Date marking

1. In relation to package of food, it means a date permanently marked or embossed on the package, or in the label on the package, of any food signifying the expiry date or the date of minimum durability of that food, as the case may be.
2. "Expiry date", in relation to a package food, means the date after which the food, when kept in accordance with any storage conditions set out in the label of such food, may not retain the quality attributes normally expected by a consumer; and "date of minimum durability", in relation to a package of food, means the date until which the food, when kept in accordance with any storage conditions set

out in the label of such food, will retain any specific qualities for which tacit or express claim has been made.

3. For the purposes of these Regulations, only marking in clear, unmistakable date which can be correctly interpreted by the consumer shall constitute date marking. The marking of date in code form for lot identification does not constitute date marking.

4. When in a package intended for sale, shall bear or have embossed, on the label or elsewhere on the package, a date marking in accordance with any of the alternatives as specified in the following regulation:

"EXPIRY DATE or EXP DATE (here insert the date, expressed in day, month and year or in month and year)"; "USE BY (here insert the date, expressed in day, month and year or in month and year or in month and year)"; or "CONSUME BY or CONS BY (here insert the date, expressed in day, month and year or in month and year)". The date of minimum durability in respect of any food shall be shown in "BEST BEFORE or BEST BEF (here insert the date, expressed in day, month and year or in month and year)".

5. Where the validity of the date marking of a food to which this regulation applies is dependent on its storage, the storage direction of that food shall also be required to be borne on its label.

6. No person shall prepare or advertise for sale or sell any food specified in the Fifth Schedule of the Food Regulations 1985 unless the package containing such food bears a date marking.

7. The date marking required by this regulation shall be in capital bold-faced lettering of a non-serif character not smaller than 6 point.

Matter forbidden on any label

1. No descriptive matter appearing on or attached to or supplied with any package of food shall include any comment on, reference to or explanation of, any statement or label required by these Regulations to be borne on any package of food if such comment, reference, or explanation either directly or by implication, contradicts, qualifies or modifies the statement or the content of that label.

2. Words to indicate grading, quality or superiority or any other words of similar meaning shall not appear on the label of any package of food unless such description of quality grading conform to those established by the relevant authorities responsible for such grading; and where such words appear on the label, it shall be presumed that the food is in compliance with the requirements established by the relevant authorities in respect of that quality grading.

3. No label which describes any food shall include the word "pure" or any other words of the same significance unless the food is of the strength, purity or quality prescribed by these Regulations and is free from any other added substance apart from those essential in the processing of such food; and there is no expressed stipulation in these Regulations prohibiting the inclusion of such word in the label in respect of that food.

4. The food shall include the word "compounded", "medicated", "tonic" or "health" or any other words

of the same significance.

5. No label which describes any food shall include any claim on the absence of beef or pork or its derivatives, or lard or added alcohol if the food does not contain such ingredients; or any food additive or nutrient supplement the addition of which is prohibited in these Regulations.

6. Except as otherwise provided in these Regulations, pictorial representation or design may be included in the label for the purpose of illustrating recipes involving the use of the food or suggestions on how to serve the food, where such inclusion is not misleading or deceptive, and the representation or designs immediately preceded or followed or otherwise closely accompanied, in not less than 6 point lettering, with the words "RECIPE" or "SERVING SUGGESTION" or other words of similar meaning, as the case may be.

7. Claims on the label.

a) Claims which highlight the absence or non-addition of a particular substance in or to food may be included in the label provided that the claims are not misleading and the substance is not subject to specific requirements in this regulation; is one which consumers would normally expect to find in the food; and has not been substituted by another substance giving the food equivalent characteristics unless the nature of the substitution is clearly stated with equal prominence.

b) Claims which highlight the absence or non-addition of one or more nutrients in or to food shall be regarded as nutrition claims, and regulation on nutritional labeling shall apply to those claims.

c) Nutrition claims in this regulation include the following claims: nutrient content claims, nutrient comparative claim, nutrient function claim and claim for enrichment, fortification or other words of similar meaning.

B. Requirements Specific to Nutritional Labeling.

1. In these Regulations, "nutritional labeling", in relation to a package of food, means a description intended to inform the consumer of the nutrient content of a food.

2. Nutritional labeling is compulsory for the following foods: prepared cereal foods; various types of bread; variety of milk and powdered milk, including sweetened condensed milk, evaporated milk and cultured milk; canned meat; canned fish; canned vegetable, canned fruit and various types of fruit juices, salad dressing and mayonnaise, various types of soft drink including botanical drink, soya bean milk and soya bean drink.

3. There shall be written on the label of the food specified in:

a) The amount of energy, expressed in kilocalorie (kcal) or kilojoule (KJ) or both per 100g or 100 ml or per package if the package contains only a single portion and per serving as quantified on the label;

b) The amount of protein, available carbohydrate (that is carbohydrate excluding dietary fiber) and fat, expressed in g per 100g or per 100 ml or per package if the package contains only a single portion and per serving as quantified on the label.

4. There shall be written on the label on a package of ready-to-drink beverage, the amount of total sugars in the following form "Carbohydrate" ...g; Total sugarsg.

5. Where a claim is made regarding the amount or type of fatty acids, the amounts of saturated,

monounsaturated, polyunsaturated and trans fatty acid shall be declared in the following from, as the case may be:

"Fat ...g; comprising of
monounsaturated...g;
polyunsaturated...g;
saturated...g;
trans fatty acid...g.

6. The amount of energy to be listed should be calculated by using the following conversion factors:

- a. Carbohydrates 4kcal/g (17 kJ);
- b. Protein 4kcal/g (17 kJ);
- c. Fat 9kcal/g (37 kJ);
- d. Alcohol (Ethanol) 7kcal/g (29 kJ);
- e. Organic acid 3kcal/g (13 kJ); or
- f. Dietary fiber 2kcal/g (8.5kJ);

7. The amount of protein to be listed shall be calculated using the following formula:

Protein = Total Kjeldahl Nitrogen x Conversion factor for specific food.

8. The conversion factors for specific food specified in (7) shall be as follows:

FOODS	Conversion factor
Wholemeal or flour or bulgur	5.83
Flour, medium or low extraction	5.70
Macaroni, spaghetti, wheat pastes	5.70

Bran	6.31
Rice	5.95
Rye, barley, oats	5.83
Groundnuts	5.46
Soyabean, seeds, flour or products	6.25
Almond	5.18
Brazil nut	5.71

Coconuts, chestnuts, tree nuts	5.3
Milk and milk products	6.38
Sesame, safflower, sunflower	5.30
Margarine, butter	6.38
Other foods	6.25

9. Except as otherwise provided in these Regulations, there may be written on the label of food the amount of vitamins and minerals in accordance with the following criteria:

- a) Only vitamins and minerals which are listed in the Nutrient Reference Values (NRV) or where the vitamins and minerals are not included under paragraph (a), the written approval from the Director is necessary
- b) Only those vitamins and minerals which are present in not less than 5 per cent of the Nutrient Reference Value (NRV), supplied by a serving as quantified on the label.

10. The numerical information on vitamins and minerals shall be expressed in metric units per 100g or per 100ml or per package if the package contains only a single portion and per serving as quantified on the label; in addition, this information may be expressed as a percentage of the Nutrient Reference Value (NRV) per 100g or per 100ml or per package if the package contains only a single portion and per serving as quantified on the label.

11. Where the numerical information on vitamins and minerals has been expressed as a percentage of Nutrient Reference value (NRV) shall be used for labeling purposes:

Nutrient Reference Values (NRV)

Vitamin A (ug)	800
Vitamin D (ug)	5
Vitamin C (mg)	60
Vitamin E (mg)	10
Thiamin (mg)	1.4
Riboflavin (mg)	1.6
Niacin (mg)	18

Vitamin B6 (mg)	2
Folic acid (ug)	200
Vitamin B12 (ug)	1
Calcium (mg)	800
Magnesium (mg)	300
Iron (mg)	14
Zinc (mg)	15
Iodine (ug)	150

12. There may be written on a label of a package of food the amount of cholesterol and sodium or dietary fiber; the amount of cholesterol shall be expressed in mg per 100g or per 100ml or per package if the package contains only a single portion and per serving as quantified on the label and the amount of dietary fiber shall be expressed in g per 100g or per 100 ml or per package if the package contains only a single portion and per serving as quantified on the label.

13. Where a food other than food specified in (2) contains a nutrition labeling, (3) shall apply to the labeling.

14. Where a food makes a nutrition claim, it is also mandatory to include nutrition labeling as specified in (3) and the amount of any other nutrient for which a nutrition claim is made in respect of the food.

Nutrient content claim

1. In these Regulations, "nutrient content claim" means a nutrition claim that describes the level of a nutrient contained in a food.

2. When a nutrient contain claim or a synonymous claim, that is listed in Table I and Table II to the Fifth A Schedule (Please refer to Appendix IV) is made, the conditions specified in the Tables for that claim shall apply.

3. Where a food is by its nature low in or free of the nutrient that is the subject of the claim, the term describing the level of the nutrient shall not immediately precede the name of the food but shall be in the following from, that is, "a low (naming the nutrient) food" or "a (naming the nutrient)-free food".

Nutrient comparative claims

1. In these Regulations, "nutrient comparative claim" means a claim that compares the nutrient levels or energy value of two or more foods.

2. There may be written on a label of a package food a statement that compares the level of a nutrient in the food with the level of a nutrient in a reference food in the following words or any other words of the same significance, that are, "reduced", "less than", "fewer", "increased", "more than", "light" or "extra".

3. For the purpose of (2), nutrient comparative claims may only be used on the label based on the food sold, taking into account further preparation required for consumption if relevant, according to the instructions for use on the label and subject to the following conditions:

- a) The food being compared shall be different versions of the same or similar food and the foods being compared should be clearly identified.
- b) Statement of the amount of difference in the energy value or nutrient content shall be given and the following information shall appear in close proximity to the nutrient comparative claim: the amount of difference related to the same quantity, expressed as a percentage, fraction or an absolute amount and full details of the comparison shall be given; and the identity of the food to which the food is being compared, and the food shall be described in such a manner that it can be readily identified by consumers; and
- c) The comparison should be based on a relative difference of at least 25 percent in the energy value or nutrient content, except for micro nutrients where a 10 per cent difference in the Nutrient Reference Value (NRV) would be acceptable, between the compared foods and a minimum absolute difference in the energy value or nutrient content equivalent to the figure defined as "low" or a "source" in Table I and II to the Fifth A Schedule.

Nutrient function claim

1. In these regulations, "nutrient function claim" means a nutrition claim that describes the physiological role of the nutrient in the growth, development and normal functions of the body.

2. A nutrient function claim shall not imply or include any statement to the effect that the nutrient would afford a cure or treatment for or protection from a disease.

3. No label which describes any food shall include any claims relating to the function of a nutrient in the body unless the food for which the nutrient function claim is made shall contain at least the amount nutrient in the level to be considered as a source of that nutrient per reference amount as specified in Table II to the Fifth A Schedule.

(4) Except as otherwise provided in these Regulations, only the following nutrient function claims or any other words of similar meaning shall be permitted:

(a) Folic acid:

- i) Folic acid is essential for growth and division of cells;
- ii) Folate plays a role in the formation of red blood cells;
- iii) Folate helps to maintain the growth and development of the foetus;

(b) Sialic acid:

Sialic acid is an important component of the brain tissue

(c) Iron:

- i) Iron is a factor in red blood cell formation:
- ii) Iron is a component of hemoglobin in red blood cell which carries oxygen to all the body:

(d) Inulin and oligofructose (fructo-oligosaccharide):

- i) Inulin helps increase intestinal bifidobacteria and helps maintain a good intestinal environment:
- ii) Oligofructose (fructo- oligosaccharide) helps increase intestinal bifidobacteria and helps maintain a good intestinal environment:
- iii) Inulin is bifidogenic;
- iv) Oligofructose ((fructo- oligosaccharide) is bifidogenic;

(e) Iodine:

Iodine is essential for the formation of thyroid hormone;

(f) Calcium:

Calcium aids in the development of strong bones and teeth;

(g) Magnesium:

Magnesium promotes calcium absorption and retention;

(h) Niacin:

Niacin is need for the release of energy from proteins, fats and carbohydrates;

(i) Protein:

- (i) Protein helps build and repair body tissue;
- (ii) Protein is essential for growth and development;
- (iii) Protein provides amino acids necessary for protein synthesis;

(j) Oat Soluble fibre (b-glucan)

Oat Soluble fibre (b-glucan) helps lower or reduce cholesterol;

(k) Plant sterol or plant sterol:

(l) Vitamin A:

- i) Vitamin A aids in maintaining the heath of the skin and mucous membrane;
- ii) Vitamin A is essential for the functioning of the eye;

(m) Vitamin B1/ Thiamine: Vitamin B1/Thiamine is needed for the release of energy from carbohydrate;

(n) Vitamin B2/Riboflavin:

Vitamin B2/Riboflavin is needed for release of energy from proteins, fats and carbohydrates;

(o) Vitamin B12/Cyanocobalamin:

Vitamin B12/Cyanocobalamin is needed for red blood cell production;

(p) Vitamin C:

- (i) Vitamin C enhances absorption of iron from non-meat sources;
- (ii) Vitamin C contributes to the absorption of iron from food;

(q) Vitamin D:

- i) Vitamin D helps the body utilize calcium and phosphorus;
- ii) Vitamin D is necessary for the absorption and utilization of calcium and phosphorus;

(r) Vitamin E:

Vitamin E protects the fat in body tissues from oxidation; and

(s) Zinc:

Zinc is essential for growth.

(4A) For the purpose of paragraph 4(b), the claim may only be made in infant formula and follow-up formula as prescribed in regulations 389 and 389A respectively:

(4B) For the purpose of paragraph 4(k)—

(a) there shall be written on the label of food making such nutrient claim the following statements:

- i) “Not recommended for pregnant and lactating women and children under the age of five years”;
- ii) “Persons on cholesterol-lowering medication must seek medical advice before consuming this products”;
- iii) a statement to the effect that the product is consumed as part of a balanced and diet and shall include regular consumption of fruits and vegetables to help maintain the carotenoid level; and
- iv) “With added plant sterols” or “With added plant stanols” in not less than ten point lettering;

(b) the total amount of plant sterol or plant stanol contained in the products shall be expressed in metric units per 100 g or per 100 ml or per package if the package contains only a single portion and per serving as quantified on the label;

(c) only the terms “plant sterols” or “plant Stanol” be used in declaring the presence of such components; and

(d) the claim may only be made for milk product, soya bean milk and soya bean drink as prescribed in regulations 82,83, 357 and 358 respectively.

(5) No label on a package containing any food shall bear a nutrient function claim except those permitted in this regulation or with prior written approval of the Director.

Section III. Packaging and Container Regulations:

Packaging on retail premises

Where food is packaged on retail premises and is offered, exposed or kept for sale in such package at the said premises in such a manner that the customer may himself select the package, then every such package of food has to be sealed, and where the package is of transparent flexible material, the label may be inserted inside the package.

Restrictions and Limitations on packaging materials

1. No person shall import, manufacture, advertise for sale or sell or use or cause or permit to be used in the preparation, packaging, storage, delivery or exposure of food for sale, any package, appliance, container or vessel which yields or could yield to its contents, any toxic, injurious or tainting substance, or which contributes to the deterioration of the food.
2. No person shall import, manufacture, advertise for sale or sell any package, appliance, container or vessel made of enamel or glazed earthenware that is intended for use in the preparation, packaging, storage, delivery or exposure of food for sale and is either capable of imparting lead, antimony, arsenic, cadmium or any other toxic substance to any food prepared, packed, stored, delivered or exposed in it, or is not resistant to acid unless the package, appliance, container or vessel satisfied the test described in the Thirteenth Schedule. (Appendix IV).
3. No person shall import, manufacture or advertise for sale or sell or use in the preparation, packaging, storage, delivery or exposure of food for sale, any rigid or semi-rigid package, appliance, container or vessel, made of polyvinyl chloride which contains more than 1 mg/kg of vinyl chloride monomer.
4. No person shall import, prepare or advertise for sale or sell any food in any rigid or semi-rigid package, appliance, container or vessel made of polyvinyl chloride if the food contains more than 0.05mg/kg of vinyl chloride monomer.
5. No person shall use, or cause or permit to be used, in the preparation, packaging, storage, delivery or exposure for sale of any food, any package, appliance, container or vessel that had been used or intended to be used for any non-food product.
6. Recycling of the following packages prohibited:
 - a) Of any sugar, flour or meal, any sack that has previously been used for any purpose
 - b) Of any edible fat or edible oil, any bottle or metal container, than silos and tankers for edible fat and edible oil, that has previously been used for any purposes
 - c) Of any food of non-swine origin, any package, appliance; container or vessel that is intended for use or has been used for any product of swine origin (sus scrofa)
 - d) Of any food, other than that packaged in an extra wrapper, any plastic bottle that has previously been used for any purpose;
 - e) Of any food, other than alcoholic beverage and shandy (type of Malaysian beer), any bottle that has previously been used for alcoholic beverage of shandy.
 - f) Of any milk, soft drink, alcoholic beverage or shandy, any glass bottle that has previously been used for another food;
 - g) Of any vegetable, fish or fruit, any box or crate that has previously been used for another food
 - h) Of any polished rice, any gunny sack that has previously been used for another food
7. Use of damaged package prohibited

8. Toys, coins, etc. not to be placed in food

Bulk Containers

Bulk container includes any wagon, crate, silo, tanker and other similar container any box, carton and other similar container in which more than one duly labeled package and its contents are not intended to be retained when the packages or the contents are sold by way of retail. Bulk containers are not subject to the form and manner of labeling and date marking indicated above.

Section IV. Food Additives Regulations:

1. Food additive” means any safe substance that is intentionally introduced into or on a food in small quantities in order to affect the food’s keeping quality, texture, consistency, appearance, odor, taste, alkalinity or acidity, or to serve any other technological function in the manufacture, processing, preparation, treatment, packing, packaging transport, or storage of the food, and that results or may be reasonable expected to result directly or indirectly in the substance or any of its by-products becoming a component of, or otherwise affecting the characteristics of, the food and includes any preservative, coloring substance, flavoring substance, flavor enhancer, antioxidant and food conditioner, but shall not include nutrient supplement, incidental constituent or salt.

2. No person shall import, manufacture, advertise for sale or sell or introduce into or on any food-additive other than a permitted food additive; or any permitted food additive that does not comply with the standard prescribed in these Regulations, where such standard is so prescribed.

3. Notwithstanding sub regulation (2), the addition of food additive to food is prohibited except as otherwise permitted by these Regulations. A reference in these Regulations to the addition or use of "other food" in the composition of food for which a standard is prescribed in these Regulations shall not be construed as permission for the use of food additives.

4. No person shall introduce into or on a food any food additive in such a manner as to conceal any damage to, or any inferiority in the quality of that food.

5. Notwithstanding anything in these Regulations, a food additive may be present in any food where--

- a) The additive is permitted by these Regulations to be in any ingredient used in the manufacture of the food; and
- b) The proportion of the additive in any such ingredient does not exceed maximum proportion if any, permitted by these Regulations for that ingredient
- c) The total proportion of the additive in the final product does not exceed the maximum proportion, if any, permitted by these Regulations for that product; and
- d) The food into which the additive is carried over does not contain the additive in greater quantity than would be the case if the food were made under proper technological conditions and in accordance with sound manufacturing practice
- e) The additive carried over is present in the food at a level that is significantly less than that normally required for the additive to achieve an efficient technological function in its own right

Labeling requirement

1. There shall be written in the label on the package containing food additive imported, manufactured, advertised for sale or sold:

- a) The words “(state the chemical name of the food additive) as permitted (state the type of food additive)”; provided that in the case of coloring substance or flavoring substance it shall be sufficient to state the common name or the appropriate designation of that food additive in place of the chemical name;
- b) Statement giving direction for its use.

Permitted food additives that may be added to specified foods and the maximum permitted levels are listed in the Sixth, Seventh, Eighth, Ninth, Tenth and Eleventh Schedule of the Food Regulation 1985. U.S. exporters can obtain a list of the Schedules from the Food Safety and Quality Division, Ministry of Health.

Section V. Pesticides and Other Contaminants:

The Food Safety and Quality Division, Ministry of Health enforce regulations concerning pesticide residues in foodstuffs. Authorized officers, appointed by the Division may enter any premises where he believes any food to which the Food Act applies is prepared, preserved, packaged, stored, conveyed, distributed or sold, and examine any such food and take samples thereof.

Pesticide Residue

1. For the purposes of these Regulations, the term “pesticides” includes:
 - a) Any preparation used, or capable or purporting to be capable of being used, for preventing the attack of, or for destroying fungi or other parasitic plants or bacteria that affect or attack plants, fruits, grains, animals or property; insects or other pests that affect or attack plants, fruits, animals or property; noxious animals or noxious birds or weeds or other noxious plants; and
 - b) Any substance purporting to be pesticide.
2. No person shall import, prepare for sale or sell any food containing pesticide residue in a proportion greater than the proportion specified for that food as set forth in the Sixteenth Schedule in the Food Regulations or as recommended in the Codex Alimentarius where the pesticide is not specified in the Sixteenth Schedule. If the pesticide residue limit is not specified for a particular food in the Sixteen Schedule or Codex Alimentarius, then the pesticide residue shall not contain more than 0.01 milligram per kilogram in the food.
3. The maximum pesticide residue limits (MRL) in food are also listed in the 16th Schedule of the Food Regulations 1985. U.S. exporters can obtain a list of the Schedules from the Food Safety and Quality Division, Ministry of Health.

The Pesticides Act 1974 under Section 7-13 provides for the control of the importation and manufacture of a pesticide through a registration scheme under the Pesticides (Registration Rules) 1976. Only locally registered companies may register pesticides. Applications for registration must be submitted to the following address: Secretary, Pesticides Board, Department of Agriculture, Jalan Gallagher, 50480 Kuala Lumpur. Application forms are obtainable from the same address. Submissions should be made as far in advance as possible prior to the desired registration date. The period of registration of a pesticide is 3 years, effective from the date of registration unless is terminated by the registrant or canceled by the Pesticides Board. The fee for registration of a pesticide is RM400/- for the period of three years. A list of the approved pesticides is available from the Pesticide Board.

Section VI. Other Regulations and Requirements:

All food consignments are subject to random checking and sampling at 28 entry points all over the country to ensure food items imported into the country are safe and comply with the prescribed standards and regulations. Foods will be destroyed if they are found unfit for human consumption. Consignment of meat and meat products, milk and milk products, pork and pork products imported into Malaysia are subject to veterinary inspection by the authorized officer(s) of the Dept. of Veterinary Services (DVS) at the point of entry on arrival in Malaysia. Random samples will then be collected for laboratory testing and DVS has the right to reject, destroy, or further detain any consignment when deemed required.

Health and medicinal food products need to be registered. Meat and milk and their related products require import license. Product registration and application for import licenses are done through Malaysian registered companies. Fees are imposed for import licenses. Each of the paragraphs below has listed specific requirements for the product group that would be useful for U.S. exporters.

Plant and Plant Products

The import of plant and plant products into Malaysia is governed by the Agricultural Pests and Noxious Plants (Import/Export) Regulations 1981. The aim of plant quarantine regulations is to control the import of plants for the purpose of prevention of introduction of pests and disease from foreign countries. An import permit is issued by the Director General of the Agriculture Department. All conditions for import of plants are specified in this permit. As most of the conditions to be fulfilled need to be undertaken in the country of origin of the plants, it is vital that the importer informs the supplier before hand of the requirements.

Applications for plant permit should be made to:

Director of Crop Protection Branch, Department of Agriculture, Jln Gallagher, Kuala Lumpur, Tel: +60 3 2697-3077; Fax: +60 3 2697-7205

Live Animals/Birds

The Department of Veterinary Services (DVS), empowered by the Animal Rules, 1962 DVS regulates the importation of live animals or birds and livestock products into Malaysia. The Animal Quarantine Services provide facilities for quarantine of live animals and birds imported into the country. Animal Ordinance, 1953, Animal Rules 1962, Animal Importation Order 1962 and Federal Animals Quarantine Station (Management and Maintenance) By Law 1984 are enforced and requirements such as import license and health certificate are needed to facilitate the importation of live animals and birds into Malaysia.

Further information on animal quarantine requirements and services can be obtained from: Department of Veterinary Services, Quarantine and Import Export, Wisma Tani, Podium Block, Lot 4G1, Precinct 4, Putrajaya. Tel: +60-3 8870-2000; Fax: +60-3 8888-2685/6472; Website: <http://www.dvs.gov.my/>

Meat and Meat Products (except pork)

The Department of Veterinary Services (DVS) is responsible for ensuring products of animal origin for

human consumption are hygienic, healthy, and wholesome and are suitable for consumption. Under the Control of Slaughter Rules 1975, all beef and poultry imports must be certified halal and the products must originate from slaughterhouses which have been inspected and approved by the Malaysian veterinary and religious authorities (JAKIM – the Islamic Development Foundation of Malaysia).

NOTE: For cattle slaughter, it is important to note that the application of thoracic sticking, a procedure in which major blood vessels around the heart are cut to more quickly drain the blood and assure a more humane slaughter, is not acceptable to the Malaysian Islamic authorities.

In addition to certifying the plants for halal export, JAKIM will also approve and appoint U.S. Islamic Centers to monitor and audit the “halal” status of the approved plants and to issue halal certificates for all export consignments. The Islamic Centers are duty-bound to record all monitoring and auditing activities of the approved plants and to submit these reports to JAKIM upon request.

Import license, Veterinary Health Certificate (signed or endorsed by a competent veterinary officer of the Government Veterinary Authority of the country of export) and Halal Certificate (issued by approved U.S. Islamic Centers) must accompany each consignment. All meat must be properly labeled indicating establishment number of the abattoir and packing plant; lot number, date of production and type of slaughter (muslim).

Pork Products

In July, 2011, the Malaysian veterinary authority (DVS) imposed on-site inspection requirement for pork abattoirs of exporting country. In January of 2012, DVS indicated a willingness to audit a subset of all USDA federally approved plant in order to accept a pre-listed set of plants to export, but as of the end of 2012, the audit has not yet occurred. For the on-site inspection, foreign abattoirs have to pay for a processing fee of \$1,600 per plant and all travel expenses during the inspection for the auditors.

Section VII. Other Specific Standards:

Special Purpose Food

1. In these Regulations, “special purpose food” means a food named or described as particularly suitable for consumption by persons requiring special nutritional needs and includes the food for which a standard is prescribed in Regulations 389 to 393.
2. For the purposes of this regulation, the term “carbohydrate” includes alcohol, glycerol, sorbitol or sugar alcohol, and any carbohydrate substance that is capable of being metabolised.
3. No person shall import, manufacture or advertise for sale or sell any food, other than those specified in Regulations 389 to 393, as special purpose food without the prior written approval of the Director of Food Safety and Quality Division of the Ministry of Health.
4. No label of any food shall claim that a food is a special purpose food unless adequate information to support special suitability or nutritional qualities is stated in such label.
5. Where a special purpose food contains any carbohydrate it shall not be labeled with the word or words “sugarless” or “sugar free”, or any word of similar meaning.
- 5A. Where the ingredient, other than food additives, added to special purpose food is derived from plant, the common name of that plant shall be stated on the label of that food.
6. For the purposes of this regulation, “infant” means any person up to 12 months of age and “children” means any person from the age of more than 12 months up to the age of 3 years
7. Regulations 389 to 393 include infant formula, canned food for infants and children, cereal-based

food for infants and children, low energy food and formula dietary food.

Section VIII. Copyright and/or Trademark Laws:

Trade Marks Act, 1976 (Act 175) & Trade marks Regulation, 1983 provides protection against misuse of trademarks and trade names. Protecting industrial rights and property rights is basically the responsibility of each company and through private legal counsel. Trade marks and brand names can be registered with the Intellectual Property Corporation of Malaysia, Unit 1-7, Ground Floor, Menara UOA Bangsar, No. 5, Jalan Bangsar Utama 1, 59000 Kuala Lumpur Tel: +60-3-2299-8400; Fax: +60-3 2298-8989; Website: <http://www.myipo.gov.my/>

Section IX. Import Procedures:

Royal Customs and Excise Department, Ministry of Finance Malaysia

Royal Customs and Excise Department is an agency of the Ministry of Finance responsible for ensuring efficient collection of indirect taxes such as customs duty (import and export), excise duty, sales tax, service tax and vehicle levy and the controls of carriers, persons and articles entering or departing Malaysia. This agency is governed by the Customs Act 1967. The Royal Customs and Excise Department is also given powers to enforce and control the prohibition of import and export of goods under more than 30 other laws and regulations administered by other departments and government agencies.

The Royal Customs and Excise Department cooperates with a number of other agencies, and a license and permit from responsible agency is necessary to import the following products: alcoholic beverages; animal and animal products; certain health and medicinal food products; meat and meat products; plant and plant products; poultry and poultry products.

Imported goods may enter into Malaysia legally when shipment has arrived within the legal landing place and at customs airport. All goods to be imported whether or not subject to import duties must be declared in writing on Customs No. 1 form. All declarations should indicate a full and true account of the number and description of goods and packages, value, weight, measurement or quantity, and the country of origin or the final destination as the case may be. Declarations must be submitted to the Customs station at the place where the goods are to be imported.

The Customs Act 1967 provides for importers to act on their behalf. Only agents who have been approved by the Director General of Customs can be appointed for this purpose. Applications to act as approved agents must be made to the Customs station where the goods are to be imported. Where duties such as import duty and sales tax are applicable on imported goods all relevant duties must be paid before such goods can be released.

The documents required by Malaysian customs are:

- a. Custom Entry form
- b. Evidence of right to make entry, e.g. bill of lading
- c. A Commercial Invoice or Pro-forma invoice if a commercial invoice cannot be produced
- d. Packing List
- e. Other necessary documents to determine merchandise admissibility such as certificate of origin, analysis etc.

FAS Office for Malaysia

Please consult with the Office of Agriculture Affairs, Kuala Lumpur to obtain contact information for the appropriate local government agencies involved in food import requirements and standards. In addition, for any questions or comments regarding this report or assistance exporting to Malaysia, please contact the Office of Agricultural Affairs at the U.S. Embassy in Kuala Lumpur at the following address:

Office of Agricultural Affairs
U.S. Embassy - Kuala Lumpur
APO AP 96535-8152
Tel: (011-60-3) 2168-5082
Fax:(011-60-3) 2168-5023
E-mail: agkualalumpur@usda.gov